

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DERRICK A. RANKINE,

Plaintiff,

V.

Superintendent RAYMOND J. SOBINA;
UNIT MANAGER McNELIS; UNIT
COUNSELOR HUGHES; C.O.
TROJAN; UNIT MANAGER
MAILMAN; C.O. HECKMAN; UNIT
COUNSELOR HERDMAN; SGT.
CASTINA; MEMBERS OF THE PRC;
HEARING EXAMINER CROSS; MARY
ANN BERTOLINO; LT. STEVE
SIMOSKO; C.O. MUNION; C.O.
PRINCE a/k/a Pritts; C.O. CHAPLEY;
C.O. FEY; C.O. LUKE; C.O. HEISS;
C.O. HUBER; C.O. KROMELL; SGT.
STAYER; SGT. DELOSH; LT. T. J.
WILSON; JOSEPH Grievance
Coordinator; MOLLIGAN,

Defendants.

Civil Action No. 03-0313E

Judge Sean J. McLaughlin

Mag. Judge Susan Paradise Baxter

Electronically Filed

FILED

OCT 14 2005

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

MOTION TO DISMISS PLAINTIFF'S ORIGINAL COMPLAINT, FIRST
AMENDED COMPLAINT, AND SECOND AMENDED COMPLAINT

Or in the Alternative

MOTION FOR MORE DEFINITE STATEMENT

Exhibits to

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WEST. DIST. OF PENNSYLVANIA

Superintendent Sobina CA03-313E

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United States District Court
Western District Pennsylvania
Erie Pennsylvania 16507

JERRICK A. RANKING } Jury Trial Requested.
VS.

Superintendent Sobina; SCI-Somerset, 1600 Walters Mill Road
Somerset Pa. 15510.

Mr. McNElis, SCI-Somerset; 1600 Walters Mill Road, Som
set Pa. 15510; Unit Manager IA.

Mrs. Hughes; SCI-Somerset; 1600 Walters Mill Road Som
set Pa. 15510; IA Unit Counselor.

C/O Trojan, SCI-Somerset, 1600 Walters Mill Road
Somerset Pa. 15510. IA; 6AM to 2PM, Correctional Off

Mr. Mailman. SCI-Somerset, 1600 Walters Mill Road
Somerset Pa. 15510; J block unit Manager.

C/O Heckman; SCI-Somerset; 1600 Walters Mill Road
Somerset Pa. 15510; IA 6AM to 2PM Correctional Office

Mr. Herdman, SCI-Somerset; 1600 Walters Mill Road
Somerset Pa. 15510; IA unit counselor.

Sgt Castina; J unit 6AM to 2PM Sgt. SCI-Somerset
1600 Walters Mill Road Somerset Pa. 15510.

Members of The PRC, SCI-Somerset; 1600 Walte
Mill Road Somerset PA. 15510.

Mrs. Cross; SCI-Somerset 1600 Walters Mill Road
Somerset Pa. 15510; Hearing Examiner.

LT Bertolino, SCI-Somerset, 1600 Walters Mill R.

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Somerset Pa. 15510; RHU unit manager.

Lt. Steve Simasko, SCI-Somerset, 1600 Walters Mill Road.

Somerset Pa. 15510; RHU.

C/O Munion, SCI-Somerset, 1600 Walters Mill Road Somerset Pa. 15510; RHU.

C/O Prince A.K.A. C/O Pitts, SCI-Somerset, 1600 Walters Mill Road, Somerset Pa. 15510 (RHU)

C/O Chapley, SCI-Somerset, 1600 Walters Mill Road Somerset Pa. 15510.

C/O Fey, SCI-Somerset, 1600 Walters Mill Road, Somerset Pa. 15510.

C/O Lucas, SCI-Somerset, 1600 Walters Mill Road, Somerset Pa. 15510; RHU.

C/O Heiss, SCI-Somerset, 1600 Walters Mill Road, Somerset Pa. 15510.

C/O Huber, SCI-Somerset, 1600 Walters Mill Road Somerset Pa. 15510.

C/O Kromell, SCI-Somerset, 1600 Walters Mill Road Somerset Pa. 15510.

Sgt. Stayer and Sgt. Delosh, SCI-Somerset, 1600 Walters Mill Road. Somerset Pa. 15510, RHU.

Lt. T. J. Wilson, SCI-Somerset, 1600 Walters Mill Road Somerset Pa. 15510.

Mr. Joseph, SCI-Somerset, 1600 Walters Mill Road Somerset Pa. 15510, Facility Grievance Co-ordinator.

Mr. Malligan, SCI-Somerset, 1600 Walters Mill Road.

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SCI-Somerset, 1600 Walters Mill Road, Somerset Pa. 15510.

Plaintiff; DERRICK Rankine, moved for leave of court to Amend this complaint as the need may required to add any and all defendants, who may retaliated against Plaintiff for bringing this civil action to redress Plaintiff's constitutional violation against these defendants. All of these defendants being sued both individually and officially.

Defendant: The medical Administrator, SCI-Somers 1600 Walters Mill Road, Somerset Pa. 15510 Name is unknown at this time, by Plaintiff.

Respectfully Submit
Derrick Rankine

EU 5850

SCI-Somerset
1600 Walters Mill Road
Somerset Pa. 15510

9/04/03.

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United States District Court
Western District Pennsylvania
Erie Pennsylvania 16507

DERRICK RANKINE

Vs.

Superintendent Sobina et al.

Jury Trial Requested.

Statement of Case.

This is a 42 U.S.C. Sections 1983, 1985, 1986 and 1988 and 18 U.S.C. Sections 2, 241, 242 and 371 complaint filed by state prisoner against prison officials for conspiring to: (1) obstructed the due administration of law in both state and federal courts (2) deny Plaintiff access to the courts (3) subjected Plaintiff to cruel and unusual punishment (4) deny Plaintiff due process of law (5) threatening Plaintiff with death and physical harm in an effort to force Plaintiff to withdraw Plaintiff's lawsuit against SCI-Albion staff (6) tampering with Plaintiff's incoming and outgoing mail; by destroying or holding said mail until the deadline for Plaintiff's response had passed (7) falsifying documentation and forcing Plaintiff to sign said documents under threats of death and physical harm; all in violation of the 1st 4th 5th 8th and 14th Amendments to the United States Constitution and while acting under color of State Law.

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BASIS For Federal Jurisdiction.
This court exercise jurisdiction by 28 U.S.C. § 1332 and 1341.

Complaint

Plaintiff, DERRICK Rankine, was transferred from SCI-Albion on June 3, 2003 to SCI-Somerset. Upon arriving at SCI-Somerset, Plaintiff was interviewed by SCI-Somerset, psychology department, medical staff and Lt. John Doe with Mr. Molligan. During these interviews Plaintiff was repeatedly asked if Plaintiff wished to share a cell with another inmate. Plaintiff repeatedly told each staff member that Plaintiff was diagnosed as "Manic depressive"; insomnia, with claustrophobia and extreme homophobia; that Plaintiff have fought with all of Plaintiff's previous cell sharers; therefore Plaintiff would like to be single celled permanently. Plaintiff was given a document to signed by Mr. Molligan to this effect.

Plaintiff was then sent to IA Cell 45 and forced into a cell with another ~~inmate~~ under threats of death; physical harm and/or be taken to the RHU and raped and killed. On June 4, 2003 Plaintiff sent a request to IA-6 Manager, IA-Unit Counselor; Mr. McNelis and Miss Hughes respectively asking to be removed from cell to a single cell. Plaintiff also sent a request to Superintendent Sabina asking to be assigned a single

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3) Plaintiff was forced to remain in IA-45 until the other inmate (A known homosexual) complained that he does not want to continue sharing a cell with Plaintiff. Plaintiff does not sleep and does not get undressed in the cell. Plaintiff was then threatened with the above threats by C/O Trojan and moved to IA-49, on June 7, 2003. Plaintiff remained in IA-49 by himself without incident until June 10, 2003.

On June 10, 2003, Inmate Thompson was assigned to IA-49 with Plaintiff. Plaintiff took requests from Superintendent Sobina, Mr. McNelis and Miss Hughes and gave them to the Sergeant on duty. This Sergeant immediately removed Inmate Thompson from cell-49 on IA.

On June 11, 2003, Plaintiff returned from church to find that C/O Trojan assigned another known homosexual to Plaintiff's cell from pod DA. Plaintiff again took the requests from Superintendent Sobina, Mr. McNelis and Miss Hughes to C/O Trojan. After receiving these requests C/O Trojan called someone "Mr. McNelis" and C/O Trojan then told me that I don't have a single cell as yet and therefore I must share a cell until I am given a single cell and that will be whenever I withdraw my lawsuit against SCI-Albion staff and have a homosexual relationship with him (C/O Trojan). Plaintiff then asked to speak to Mr. McNelis.

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Plaintiff was told by C/O Trojan that Mr. McNELIS does not wish to speak with Plaintiff until Plaintiff withdraws Plaintiff's law suit against SCI-Albion state. Plaintiff was then told by C/O Trojan that Plaintiff would not live to see parole, if Plaintiff does not withdraw Plaintiff's law suit against SCI-Albion state. Plaintiff then asked C/O Trojan to allow Plaintiff to speak to Miss Hughes and/or Mr. McNELIS; Plaintiff was told by C/O Trojan that "Miss Hughes and Mr. McNELIS does not wish to speak to any 'Nigger'; especially a 'Nigger' that sues (C/O)s.

Plaintiff then asked C/O Trojan for protective custody. C/O Trojan made another phone call to Mr. McNELIS then told Plaintiff to go and pack. Plaintiff properly packed while Plaintiff was in cell IA-49. While Plaintiff was packing, Plaintiff's property Sgt. Rice called Plaintiff out of cell-49 to speak to Mr. McNELIS and Lt. Wilson. Mr. McNELIS informed Plaintiff that a vote sheet was sent away for Plaintiff to get a Z code by Miss Hughes, but the vote sheet was not returned as yet, so Plaintiff must share a cell until the vote sheet is returned. Plaintiff again asked to be placed in protective custody; at which time Plaintiff was handcuffed and taken to the RHU. While in the RHU, Plaintiff was given a misconduct for refusing to share a cell. Plaintiff was given a "penance" by Miss Cross on June 13, 2003, and

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sentenced to 30 days in the RHU. Miss Cross refuse to called any of Plaintiff's witnesses thus denying Plaintiff his due process rights. SEE Plaintiff Exhibit.

Plaintiff was then confined in cell-C-17; without toothpaste, bath soap, towels, wash clothe, deodorant, toothbrush; without a change of linen or clothes; with proper lights; without showers and any exercise, from June 11, 2003 to June 30, 2003. Plaintiff was denied lunch on June 12, 2003. On June 14, 2003, Plaintiff was threatened to be "killed" by C/O Munion. Plaintiff was called a "faggot" a "bitch" a "child molester" ect. ect. by C/O Munion on June 14, 2003 in retaliation for bring a Law Suit against SCI-Albion staff. Plaintiff Exhibit A-1.

On June 15, 2003 C/O Trajan came to Plaintiff cell and stared at Plaintiff for approximately 5 minutes. Plaintiff then filed a grievance asking for protective custody from C/O Trajan.

On June 17, 2003 C/O Munion again threatened to killed Plaintiff because Plaintiff asked another staff member for a tube of toothpaste. On June 24, 2003 C/O Munion called Plaintiff a "F.... Nigger" because Plaintiff refused to removed Plaintiff's brief in his presence. SEE Plaintiff Exhibit A-2.

On June 27, 2003 Miss Hughes came to cell C-17 and called Plaintiff a liar and a bunch of degenerate names because Plaintiff said Miss Hughes told

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Plaintiff on June 13, 2003 that Mrs Hughes would recommend Plaintiff for A Z code. Plaintiff was also denied a copy of Plaintiff File from SCI-Albion by Mrs Hughes and Mr. Herdman. Plaintiff was also denied access to the business management program here at SCI-Somerset because Mrs Hughes and Mr. Herdman conspired with SCI-Albion staff to destroyed Plaintiff's Academic record from SCI-Camphill. Plaintiff's Exhibit A-4 & A-7

Mr. King, Major Gehlmann, the grievance coordinator and Superintendent Sobina have denied Plaintiff access to the business management program, by destroying Plaintiff's Academic records, because Plaintiff is black and in retaliation for Plaintiff filing a Law Suit against SCI-Albion staff, Plaintiff Exhibit Superintendent Sobina have denied and conspired with SCI-Albion staff to denied Plaintiff access to the courts by refusing to give Plaintiff access to the States copier to make copies of vital evidence to be submitted to the courts. See Plaintiff Exhibit A-5

Superintendent Sobina, Mr. King, and members of the PRC have consistently denied Plaintiff access to Academic and rehabilitative programs by refusing to approve these programs for Plaintiff in an effort to forced Plaintiff to withdraw Plaintiff's Law Suit against SCI-Albion staff. See Plaintiff Exhibit D-23

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D-24, 25, 26, and D-27.

On June 30, 2003 Plaintiff was again threatened by C/O Munion, C/O Chapley and C/O Trojan to be killed if Plaintiff does not withdraw Plaintiff lawsuit against SCI-Albion.

Lt. Bertolino has intercepted and destroyed Plaintiff's requests to staff, misconduct appeal, grievances and grievance appeals to Superintendent Sobina, the PRC and other staff members and destroyed them; then Lt. Bertolino falsified RHU and SCI-Somerset documentations to stop Plaintiff from seeking redress of the above wrong. Lt. Bertolino also violated D.O.C. policy DC-ADM 8c by not discussing Plaintiff grievance or attempting to resolve these grievances with Plaintiff before stating that these grievances are resolved. See Plaintiff Exhibits D-28, D-29, D-30, D-31, D-32, D-33 and D-34. It is Plaintiff contention that Lt. Bertolino knew or should have known of the above conduct by C/O Munion, C/O Prince, C/O Chapley and other RHU staff and that Lt. Bertolino aided and abetted these C/Os in their abuse of inmate by the above behaviors (including Plaintiff).

In retaliation for seeking redress of the above wrongs the medical staff started giving Plaintiff the wrong medications and the medical staff started crushing Plaintiff's medications; these actions by the medical staff forced Plaintiff to stop taking Plaintiff

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"NEEDED" medications. SEE Plaintiff Exhibits E-1, E-2 and SEE ALSO Plaintiff Exhibit Z; which contain crushed pills that WERE given to Plaintiff, during the period June 3, 2003 to t
PRESENT.

Plaintiff WAS also ASSAULTED by C/O Chapley and C/O Pri on July 17, 18, 24 and 25 2003 in the PRESENCE OF Lt Bertolino and Lt Steve Simosko. Even though Plaintiff REPEATEDLY asked (C/O)s Prince and Chapley to stoppe pushing and pulling Plaintiff in the PRESENCE OF both Lt Bertolino and Lt Simosko, these LEUTENANTS refused to CORRECTED these Correctional Officers. Instead of CORRECTING these officers Lt Bertolino and Lt Simosko ORDERED RHU STAFF NOT to give Plaintiff any grievance: to stop Plaintiff FROM SEEKING redress OF these wrongs SEE Plaintiff Exhibit E-4

On July 9, 2003, Plaintiff WAS taken to the RHU by Lt. T. J. Wilson. For ACCIDENTALLY urinating on himSELF while in the dayroom on J/A. For two hours C/O Henan and Sgt Castina REFUSED to OPENED Plaintiff CELL For Plaintiff to USED the commode; and there ARE NO other toilet on J pod that Plaintiff could USED. SEE Plaintiff's Exhibits (E-5)s.

During the walk From J/A to the RHU Lt. T. J. Wilson REPEATEDLY called Plaintiff A "dog" A "Nigger dog" A "F...ing dog" A "No good Nigger dog" etc, etc; which further traumatized and terrified Plaintiff. Plaintiff

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Stripped searched by Lt. Bertolino and placed in cell 23 on D pod in the RHU; where RHU staff repeatedly make sports of Plaintiff.

Plaintiff was given an hearing on July 11, 2003. Plaintiff was found guilty by Defendant Cross; and sent to 45 days D.C. time. Defendant Cross again refused to call Plaintiff's witnesses; even though Plaintiff submitted a time^{ly} inmate version and witnesses listed. See Plaintiff's Exhibit E-6.

Plaintiff remained in the RHU from July 9, 2003 until August 7, 2003. On August 7, 2003 Plaintiff was released to cell restriction on JIB where C/O Heckman, Sgt. Castina and C/O Heiss continued to abuse Plaintiff by threatening Plaintiff's life; removed Plaintiff's property from Plaintiff's cell; froze Plaintiff's cell; repeatedly and consistently called Plaintiff derogatory names; threatened to kill Plaintiff if Plaintiff refused to withdraw Plaintiff's lawsuit against SCI-Albion staff; or deny Plaintiff access to the courts by denying Plaintiff access to the law library. Plaintiff was also denied access to all educational programs by the criminal conspiracy between Mr. King, Mrs. Hughes, Mr. Herdman, Mr. Mailman and Superintendent Sobina. See Plaintiff's Exhibits C-1 through C-11; C-13 and C-12.

Plaintiff remained on JIB Cell #2 enduring these constant abuses and constitutional violations.

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24 SCI-Somerset Staff until August 26, 2003; when Plaintiff was again taken to the RHU. SEE Plaintiff Exhibits D-1 and D-2.

Plaintiff remained in the RHU on B-pod in cell 22 until September 2, 2003. On September 2, 2003, Plaintiff was given an hearing by Defendant Cross and sentenced to another 45 days in the RHU. Again Defendant Cross refused to call Plaintiff witnesses, even though Plaintiff submitted a timely inmate version contradicting C/O Heiss and a witnesses list, in violation of the due process clauses of both the Fifth and Fourteenth Amendments; and in violation of the 1st, 4th and 8th Amendments to the United States Constitution. SEE Plaintiff Exhibits D-3, D-4 and D-5.

Plaintiff Appeal^{ed} all of the above misconducts to the Program Reviewed Committee; and Superintendent Robina. The PRC and Superintendent Robina consistently affirmed the hearing examiner; even though Plaintiff pointed out the above constitutional violations. Superintendent Robina and the PRC further conspired with the above defendants and Superintendent Wolfe to further deny Plaintiff access to the courts and to due process of law by denying Plaintiff access to the states copy machine; law library; an update law library while in the RHU; and access to any and all forms of educational opportunities both in the RHU and in

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GENERAL population. SEE Plaintiff's Exhibit D-6 to D-1. While Plaintiff is in the RHU Lt. Bertolino and Lt. Simosko violated and continued to violated Plaintiff constitutional rights by conspiring with C/O Munion, C/O Chapley, C/O Prince, Sgt. Stayer, Sgt. Delosh, C/O Fey, C/O Lucas and C/O Miller to 1) denied Plaintiff proper clothings, change of clothings, change of linen, a blanket; access to the Law Library and access to the yard 2) denied Plaintiff Access to Plaintiff legal material 3) denied Plaintiff Access to the courts by intercepting and destroying Plaintiff incoming and outgoing mails; and intercepting and destroying Plaintiff mail to other staff when Plaintiff attempted to SEEK redress of the above constitutional violations.

It is Further Alleged that Lt. Bertolino, Lt. Steve Simosko and Mr. Mailman conspired with the above Defendant to denied and did denied Plaintiff due process of Law by resolving grievances filed by Plaintiff without discussing said grievances with Plaintiff in clear violation of ADM-DC 804; and that Superintendent Sobina, Deputy Gibson and the members of the PRC Aided and Abetted these Defendant by falsifying documents filed by Plaintiff. SEE Plaintiff's Exhibits F-1 to F-19, F-20, F-21

On July 6, 2003 Plaintiff was forced to mailed

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Plaintiff rosary by C/O Huber; because Plaintiff's rosary had black tread and was therefore not all white. See Plaintiff Exhibit G-1.

On 8/14/03, Plaintiff was forced to stop reading Plaintiff's bible while in "Pill line" for approximately 1 hour by C/O Kromell. Plaintiff was then forced to throw away Plaintiff's bible by C/O Kromell and threatened to be "kill" because Plaintiff reported C/O Kromell to Mr. Malligan. See Plaintiff Exhibit G-2.

On 8/07/03 and 8/17/03 C/O Heiss removed Plaintiff's glasses and pencils from Plaintiff's cell and refused to return these items. See Plaintiff Exhibit G-3.

On July 9, 2003 C/O Heckman and Sgt. Castine stole 3 bottles of Folgers coffee, 6 Irish Spring bath soaps, 1 tube of Colgate toothpaste, and 1 Speed Stick deodorant from Plaintiff in corroboration with Lt. T.J. Wilson. Plaintiff reported this to Mr. Mailman and filed a grievance; and reported this to the Office of Professional Responsibility; yet Plaintiff's property has not been returned to Plaintiff.

Plaintiff was forced to send home five boxes of legal materials that Plaintiff is presently in need of by Sgt. Stayer and C/O Miller on 6/27/03 in violation of ADM-DC 815 Page 35 of Inmate Handbook. Plaintiff repeatedly brought this D.O.C. policy to Sgt. Stayer's attention and asked that Plaintiff's

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property remained at SCI-Somerset until Plaintiff appeared to the Superintendent, yet Plaintiff's property was shipped at a cost of approximately \$40.00 to Plaintiff, plus \$50.00 to get these property shipped from SCI-Albion to SCI-Somerset.

On August 26, 2003 Plaintiff was again forced to open home 16 Religious books and destroy two pens; even though Plaintiff had only two boxes of personal, legal, religious and educational properties and Plaintiff is allowed to have four boxes of personal property. See ADM-DC 815 Page 35 Inmate Handbook; and Plaintiff exhibits N-1 and N-2; by Clorfy, Lucas and Sgt DeLoach

In Conclusion.

Plaintiff claims that Superintendent Sobina and the other defendants have conspired with Superintendent Wolfe and the other SCI-Albion staff to violate and have violated Plaintiff's 1st, 4th, 5th, 8th and 14th Amendments rights as is guaranteed by the United States Constitution and the Commonwealth of Pennsylvania by (A) retaliating and continuing to retaliate against Plaintiff for filing a Civil Law Suit against SCI-Albion staff to redress previous constitutional violations; in violation of 42 U.S.C. Sections 1981, 1983, 1985 and 1986; 18 U.S.C. Sections 2, 241, 242 and 371.

Relief Requested.

1) That this court issued a declaratory judgment stating

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that (A) The physical and emotional abuse of Plaintiff these defendants violated Plaintiff's rights under the 5th, 8th and 14th Amendments; as Plaintiff was denied due process of law by these defendants.

b) Plaintiff was denied access to the courts and is been denied access to the courts by the defendant refusal to: 1) gave Plaintiff access to Plaintiff legal materials 2) gave Plaintiff access to the law library in a timely manner 3) update the RHU law library book 4) gave and continue to refused to give, Plaintiff access to the copy machine because Plaintiff is indigent; all in violation of the 1st Amendment to the United States Constitution.

c) The physical and emotional and retaliatory abuse by these defendants must stop immediately.

d) The physical, verbal and emotional abuse by SCI-SOMERSET staff both in the RHU and in general population must stop immediately.

e) This court order Superintendent Sobina to remove JO Munion, C/O Chapley, C/O Fey, C/O Prince and Lt. Bertolino and Lt. Steve Simosko from Plaintiff's environment.

f) This court order Superintendent Sobina to removed C/O Heckman, C/O Trojan, C/O Heiss and Sgt. Castine and Lt. Wilson from Plaintiff's environment.

g) This court order Superintendent Sobina to

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1) update the RHU Law Sait Library 2) provide Access to the copy machine to indigent inmates For these inmates to copy and file their Appeals in the Appellate courts and to file their grievances and misconduct Appeals; (3) order SCI-Somerset to stop tampering, reading and destroying inmates incoming and outgoing mails (Namely Lt. Bertolino, C/O Munion, C/O Chapley, C/O Fey and C/O Prince).

That this court make any other redress and declaratory judgment that seems NECESSARY to the court.

(2) That this court Award compensatory damages in the Following amounts and any other compensatory damages this court think is NECESSARY to redress the constitutional violations:

a) \$350,000 jointly and SEVERALLY against defendants Robina, Cross, Mr. King, members of the PRC, Deputy Gibson and Major Gehlmann; and the Medical Administrator.

b) \$20,000, jointly and SEVERALLY against C/O Trojan Mr. McNellis, Mrs. Hughes and Mr. Mulligan.

c) \$45,000, jointly and SEVERALLY against C/O Heckman Sgt. Castina, C/O Heiss, Mr. Herdman and Mr. Mailman.

d) \$135,000, jointly and SEVERALLY against Lt Bertolino C/O Munion, C/O Prince, C/O Chapley and C/O Fey.

e) \$5000 jointly and SEVERALLY against C/O Huber, C/O Fromell and Lt. T. J. Wilson and Lt S. Simosko.

f) \$2000 jointly and SEVERALLY against Sgt. Stager

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Sgt. DeLoach and C/O Lucas; and C/O Miller.
\$50,000 against Mr. Joseph.

All of the above individuals are being sued both individually and in their official capacities.

Plaintiff, DERRICK RANKINE, prays for permission or leave of court to amend this complaint as the need may require to add any and all new defendants for any and all retaliatory acts against Plaintiff; pursuant to Rules 15(a) and 19(a) Fed. R. Civ. Pro.

Respectfully Submitted
Derrick Rankine
SCI-SOMERSET
1600 WALTERS Mill Road
SOMERSET, Pa. 15510
EU 5850.

September 4, 2003.

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DECLARATION.

Plaintiff, DERRICK RANKINE, SWEARS under penalty of perjury and subjected to 28 U.S.C. Section 1746; that all of the Foregoing are true and correct.

Respectfully Submitted
Derrick Rankine
EU 5850
SCI-SOMERSET
1605 Walters Mill Road
Somerset, Pa. 15510

1/14/03.

EXHIBIT 2

12.1

United States District Court
Western District Pennsylvania
Erie, Pennsylvania 16507

Derrick A. Rankine

Vs.

C.A. 0313 Erie

Superintendent Sobina et al. Jury Trial Demanded.

Motion For Leave to File An Amended Complaint Adding the Following Defendants and the Following Injuries to all defendants in original complaint.

Plaintiff, Derrick Rankine, pursuant to Rules 15(a) and 19(a) Fed. R. Civ. Pro. requests leave to file an amended complaint adding the following parties, injuries, and reliefs.

- 1) Plaintiff in his original complaint named defendants Sobina et al.

- 2) Since filing of the Complaint the following retaliatory acts have been perpetrated against the Plaintiff by the following defendants.

- 3) On 10/12/03, Plaintiff was threatened by C/O White and when Plaintiff filed a grievance about this threat, Sgt. Gainworth in corroboration with Lt. Register removed this grievance from the grievance box, thus terrorizing the Plaintiff.

- 4) On 10/13/03, Lt. Register humiliated, embarrassed

od D/A in retaliation For filing this complaint.

1 During the period 8/26/03, (Plaintiff) to 10/9/03 Plaintiff was denied Library Books by C/O Munion, C/O Ritts and C/O Chapley, which deprived Plaintiff of reading material and caused Plaintiff severe mental distress.

2 On 10/14/03, C/O Coughnour and C/O Evans planted a torned towel in my cell and stole 78 religious books and 30 magazines and 3 Library books; and 10 (40) envelopes, a tube of Colgate toothpaste (\$2.02) and a razor from my cell; on orders from defendants Sobina and Molligan.

3 On 10/14/03, Plaintiff was searched six times by staff on the 2pm. to 10pm. shift on Plaintiff way to the dining hall; on orders from defendant Sobina, Molligan, PRC members.

4 On 15th October, Plaintiff was searched four times to the dining hall and to and from the yard on orders from defendant Sobina and Molligan.

5 On 10/16/03, Plaintiff's cell was searched and Plaintiff was searched four times to and from the yard and dining hall, on orders from defendant Sobina and Molligan.

6 On 10/17/03, Plaintiff was searched twice to and from pill line, three times to and from the dining hall and three times to and from the yard on orders from defendant Sobina and Molligan.

7 On 10/18/03 Plaintiff was searched by Sgt. Brothel

WAS SEARCHED ONCE and then Plaintiff WAS SEARCHED FOUR times to and From the dinning hall, at which time Plaintiff WAS told that this harrasment would continue until, Plaintiff withdraw Plaintiff's lawsuit against SCI Albion and SCI-Somerset's staff or Plaintiff will be Killed by Lt. REGESTER, C/O Dayton, C/O NEISSE and Sgt. BAKAS. Plaintiff's genitals and bottoms were Fondled at these time

12) On 10/19/03, 10/20/03, 10/21/03, 10/22/03, 10/23/03, 10/24/03, 10/25/03, 10/26/03, 10/27/03, 10/28/03, 10/29/03, Plaintiff WAS SEARCHED and Plaintiff's cell WAS SEARCHED by C/O Miller, C/O Coughenour, C/O Huber, Lt. Boylan, Lt. T. J. Wilson, Lt. REGESTER, Sgt. Putam, and C/O Folge; on orders From defendants Sobina and Mollig

13) On 10/28/03, Plaintiff WAS Forced to throw away a piece of grape Fruit by Lt. Bertolino, C/O Miller and C/O Folge; yet other inmates were allowed to took grape fruits out of the dinning on orders From defendant Sobina and Molligan.

All OF THE ABOVE SEARCHED, terrorized, embarrassed, humiliated, degraded, demeaned Plaintiff to the point Plaintiff stopped going to the yard, associating with other inmates, stopped going to pill line and dreaded going to and From the dinning, mess and the library

14) In an effort to get the above harrasments and terrorism and mental and physical cruelty to stoppe Plaintiff Filed Numerous grievances to the prison

H:

Sobina

co-ordinator and appealed to defendant then to the OFFICE OF PROFESSIONAL RESPONSIBILITY and the Chief Grievance Officer. SEE Plaintiff's Exhibits 20, 21, 22, 23.

On 10/16/03 Plaintiff was given a misconduct claiming that Plaintiff tore two state towels by C/O Coughenour and C/O Evan. No one saw Plaintiff tore any towels and no torn towels were in Plaintiff's cell before C/O Evans and C/O Coughenour entered Plaintiff's cell on 10/14/03. Plaintiff asked to remain at Plaintiff's cell door to observe these staff members while they searched Plaintiff because C/O Evans and C/O Coughenour that previously threatened to "get Plaintiff if Plaintiff did not redraw Plaintiff's lawsuit against SCI-Albany's staff". Plaintiff was threatened by C/O Evan and C/O Coughenour that if Plaintiff didn't move from the cell door Plaintiff would be taken to the RHU. Lt. Synder and Wilson were senior officers on the pad and they did nothing.

On 10/16/03, Plaintiff was given a misconduct for tearing two state towels in violation of DC-ADM 801 Z inmate handbook Page 52. On 10/22/03 Plaintiff was given a hearing by defendant Cross. Plaintiff brought to this hearing the two state towels which were given to Plaintiff on 10/09/03 when Plaintiff left the RHU. Plaintiff submitted the names of three staff members as witnesses.

5)

THESE WITNESSES; OR EVEN DEFENDANT Coughenour or Evans, the defendants who issued this misconduct. Plaintiff raised all the about due process violations at the hearings to PRC the to defendant Gobina and defendant Chief hearing Examiner; yet Plaintiff was found guilty and fined \$8.30 in violation of the 1st 4th 5th 8th 13th and 14th Amendments to the United States Constitution, DC-ADM 801. SEE Plaintiff Exhibits Y-1 and Y-2 and Y-3

On 10/29/03, Plaintiff was taken to the RHU on a charge of "being a possible threat to others here at SCI-Somerset" in retaliation for filing this original complaint in this matter by Lt. Beylan and Sgt. McCool. SEE Plaintiff's Exhibits. Y-40, A-12, A-13, A-14, M-9, M-7, A-1, A-1, A-10.

On 10/29/03, Lt. Beylan and Sgt. McCool threatened to killed or have Plaintiff killed in retaliation for filing the original complaint and because Plaintiff refused to withdraw Plaintiff's complaint against SCI-Albion's staff. SEE Plaintiff's Exhibit M-7, M-9. Upon reaching the RHU Plaintiff was stripped searched by defendant Bertolino. These actions, humiliated, embarrassed, terrorized Plaintiff and caused Plaintiff to become severely depressed, unable to sleep or eat and undescrivable mental duress.

Plaintiff was then placed in cell B-13 without proper lights; toothpaste; bath soap; deodorant; lotion

6

which were copied to mailed to the court per Judge Baxters order of 9/11/03. SEE Plaintiffs Exhibit A-10 and A-15

On 10/29/03, defendants Coughenour and Lucas stole two large bottles of Plaintiffs lotions and a large bottle of Plaintiffs Shampoo, in retaliation for filing this action and because Plaintiff refused to withdraw Plaintiffs law suit against SCT-Albion's staff. SEE Plaintiffs Exhibits A-16, A-17, A-17. These retaliatory actions continue to terrorized; cause Plaintiff headaches; sleeplessness; eating disorder and mental duress.

In retaliation because Plaintiff complaint about the two blown bulbs in cell B-13; the Night light in Plaintiff cell has been lefted on since 11/05/03, (24 hours per day) to the present time; Plaintiff have not been allowed to take a shower since 10/29/03 to the present; defendants Fey; Munion; Pritts, Chapley, Lucas and Coughenour have been sent to Plaintiffs cell to terrorized Plaintiff daily (For example defendant Fey constantly kicked Plaintiff's cell door; and defendant Munion denied Plaintiff show access to the yard; access to the law library because Plaintiff refused to be stripped in Munion's presence), Plaintiff have no heat or thermal underwears at present; defendant Munion took away Plaintiffs jumpsuit on the 11/03/03; because Plaintiff refused to be stripped

2

A.114, and A.115

Plaintiff is presently still in the RHU without a misconduct even after Plaintiff appealed to Secretary Beard; the Chief Hearing Examiner and to the Office of Professional Responsibility. This is causing Plaintiff SEVERE headaches; humiliation; indescribable terror; insomnia; depression; suicidal thoughts; embarrassment; eating disorder; watery eyes; nervousness and SEVERE mental duress; all in violation of the 1st, 4th, 5th, 8th, 13th and 14th Amendments to the United States Constitution; 18 U.S.C.A. Sections 2; 88; 241, 242 and 371; and 42 U.S.C. Sections 1981, 1983, 1985, 1986 and 1988.

RELIEF REQUESTED.

- 1) The court to issue an order ordering defendants to CEASED all retaliation and discriminatory acts against Plaintiff immediately.
- 2) A Writ of HABEAS Corpus against defendant Sobina ordering defendant Sobina to RELEASE Plaintiff from the RHU immediately.
- 3) The court issue a permanent restraining order against all defendants and their agents.
- 4) The ^{Court} to FINE defendants Sobina, Molligan, Mailman, Bertolino, Rosum, Amenti and Cross \$750,000 individually and OFFICIALLY in punitive; normative and compensatory damages.

8) Coughenour; T. J. Wilson; Evans, Haywood, REGESEY Hainworth; BAKOS; Dayton, Miller; Huber; Boylan, Boylan; Munion; NEISSER and McCool \$50000 individually and officially in punitive; Normal and compensatory damages

6) That this court Fined defendant BEARD, O'HARA and Thomas JAMES \$25,000 in punitive; compensatory and Normal damages both individual and officially

7) That this court Fined defendant Robert S. Bitner Chief Hearing Examiner \$30,000; in punitive, compensatory and Normal damages; individually and officially.

8) That this court order defendants Sobina and Molliga Heckman and Heiss to replaced all of Plaintiff's proper that are missing immediately. Further that this court order defendant Sobina and Beard to give Plaintiff access and used of the states copy machine up to and to include \$500.00 at defendant Sobina's Expense.

9) That this court order defendants Lucas and Coughenour to replaced Plaintiff's two large lotions and one large shampoo immediately. The court should order any and all other damages or relief that the court think is appropriate.

Conclusion.

This is a 42 U.S.C. Sections 1981, 1983, 1985, 1986 and 1988; AND A 18 U.S.C. Sections 2, 88, 241, 242 and 37

9) prison officials for violating and conspiring to violate Plaintiffs 1st, 4th, 5th, 8th, 13th and 14th Amendments rights by acts of terrorism, assaults; obstruction of the due administration of justice in state and federal courts; and in the D.C.; cruel and unusual punishment; retaliatory and discriminatory acts and sexual harassment; physical and mental cruelty et et et et

Respectfully Submitted
Demick Rankine

EU 5850

SCT-SOMERSET

1600 Walters Mill Road.

SOMERSET PA. 15510

11/29/03.

Plaintiff would like to have a permanent restraining order against the following defendants:

- | | |
|-------------|---------------|
| 1) Munion | 11) Boylan |
| 2) Chapley | 12) Bertolino |
| 3) Pritts | 13) Simosko |
| 4) Heiss | 14) Molligan |
| 5) Heckman | 15) McCool |
| 6) REGESTER | 16) Castina |
| 7) Lucas | 17) Stayer |

8) Fey
9) Coughenour
These defendants continue to retaliate or caused and allowed others to retaliate against Plaintiff.

10

It is Plaintiff belief that defendants Subina, Molligan and Rosum, conspired to and have placed Plaintiff and is keeping Plaintiff in the RHU to have Plaintiff murdered by their staff. Plaintiff was given a cup of coffee on 11/17/03 with a plastic bag with a creamy white substance in it. On 11/14/03 defendant Molligan came to Plaintiff's cell door and threatened Plaintiff's life and told Plaintiff that it was a mistake giving Plaintiff a Z code.

Respectfully Submitted
Derrick Rankine
EU 5850
SCI-SOMERSET
1600 WALTERS MILL ROAD
SOMERSET Pa. 15510

12/1/03.

N.B.

Plaintiff is also unable to obtain any grievances, From November 1, 2003 to the present time. When Plaintiff asked for grievances, Plaintiff is told by staff that there are no grievances at SCI-SOMERSET by staff.

Respectfully Submitted
Derrick Rankine
EU 5850
SCI-SOMERSET
1600 WALTERS MILL ROAD

12/1/03.

12 20

JAN 05 2004
LEGALUnited States District Court
Western District Pennsylvania
Erie Pennsylvania 16507.

Derrick A. Rankine

Vs.

C.A. 0313-Erie

Superintendent Sabina et al. Jury Trial Demanded.

Motion For Leave to File An Amended Complaint, Adding the Following Defendants; the Following injuries; and Requested Reliefs (Individually and Officially).

- 1) Defendant REGEster (Lt); Fined \$50,000
- 2) " Coughenour (C/O) Fined \$50,000
- 3) " T. J. Wilson (Lt) Add to original \$30,000
- 4) " Evans (C/O) Fined \$50,000
- 5) Haywood (Lt) Fined \$50,000
- 6) " Hainworth (Sgt) Fined \$50,000
- 7) " Boylan (Lt) Fined \$50,000
- 8) " Manion (C/O) Fined \$50,000 add to original
- 9) " MEISSEY (C/O) Fined \$50,000
- 10) " McCool (Sgt) Fined \$50,000
- 11) " BEARD (Secretary) Fined \$25,000
- 12) O'HARA Fined \$50,000
- 13) THOMAS JAMES Fined \$75,000
- 14) Robert BITNER Fined \$30,000.
- 15) " Lucas (C/O) Add to original \$20,000

Defendant Fey Fined \$50,000; Added to original.

Injuries.

Since 10/29/03, Plaintiff, was removed from general population to the RHU in retaliation for filing this action. Plaintiff has not received a misconduct as yet; yet Plaintiff has been held in a cell without proper lights from 10/29/03 to 12/17/03; without showers or exercised from 10/29/03; is being terrorized daily by C/O Coughenour, FEL Lucas, Munion, Chapley, Pritts and Sgt. Stayer.

Plaintiff is unable to sleep or eat; have severe headaches; vomiting, unable to concentrate; or memorized anything; is suffering severe emotional, physical and psychological duress because of the above and following abuses. SEE Plaintiff's Exhibits, F.1, F.2, F.3, F.4, F.5, F.6 and F.7.

On 12/08/03; Plaintiff gave C/O Labosky a motion for the appointment of counsel for Cases C.A. 03-105 and C.A. 0313 Erie. Plaintiff also gave C/O Labosky two cash slips for this motion to be mailed by certified mail; return address requested. Plaintiff did not receive a copy of these cash slips until 12/11/03 and only after Plaintiff filed a request to PRC; the mailroom (Ms DARR) and Superintendent Sabina and a grievance. SEE Plaintiff's Exhibit.

On 12/20/03 defendant Bertolino came to Plaintiff's cell and showed Plaintiff a cash slip addressed

3

to Mr. Donald Chisholm; claiming this was the cash slip for Plaintiff's grievance. SEE Plaintiff's Exhibits F-8 and F-9. After Plaintiff pointed out that the cash slip and grievance are addressed to two different issues, defendant Bertolino, told Plaintiff that "the other mail and cash slips were not received by the mail room." On ~~at~~ Plaintiff's exhibit, the court will notice that (1) CIO Labosky did not signed this cash slip and (2) the certified letter receipt was not filled out by Plaintiff, yet the certified letter receipt that Plaintiff gave to CIO Labosky, was filled out by Plaintiff.

Plaintiff would amend to add mail fraud and obstruct of justice and denial, conspiracy to denial and attempt denial of access to the courts to original complaint to all defendants; plus add as defendants the following defendants and requested reliefs:

- 1) CIO Labosky, CIO RHU, SCI-Somerset, Fined \$20,000
- 2) CIO Kodish, RHU SCI-Somerset, Fined \$20,000
- 3) Deputy Superintendent Rosum, SCI-Somerset, Fined \$75
- 4) M. Larry Amenti, CCPM, SCI-Somerset, \$75,000
- 5) CIO Miller, RHU, SCI-Somerset, \$20,000
- 6) John Bertolino, Lt, SCI-Somerset, \$750,000 or 10yrs
- 7) Superintendent Sobina, \$750,000 or 10yrs incarceration
- 8) Defendant Molligan \$750,000 or 10yrs incarceration

Respectfully Submitted
Derrick Rankine

12/20/03.

EU 5850
SCI-SOMERSET
1600 Walters Mill Road
SOMERSET PA 15510

EXHIBIT 3

RECEIVED

JAN - 5 2004

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIAUnited States District Court
Western District Pennsylvania
Erie Pennsylvania 16507.

DERRICK A. RANKINE

Vs.

Raymond Sobina et. Al.

C.A. 03-0313 Erie

Jury Trial Demanded

To The Chief Justice and Justices of Said Court:

~~Motion for leave to file an Amended Complaint~~ Adding the Following Defendants; injuries and requested reliefs; All defendants are sued in their official and individual capacities. Plaintiff is seeking Nominal punitive, compensatory and declaratory judgments.

1) Plaintiff, Derrick Rankine; pursuant to Rules 15(a) and 19(a) Fed. R. Crim. Pro; requests leave to file an Amended complaint adding the following parties, injuries and requested reliefs.

2) Plaintiff in his original Complaint named defendants Sobina et al.

3) Since filing of the Complaint Plaintiff found out that defendant Joseph is Joseph Visinsky CHCA; Grievance Coordinator is Hiedi Stokar; and the following retaliatory acts were and continues to be perpetrated against Plaintiff.

Respectfully Submitted
Derrick Rankine EU586

January 1 2004.

In The
United States District Court
Western District Pennsylvania
Erie Pennsylvania 16501.

Derrick A. RANKINE

Vs.

Raymond Gobina et al

Jury Trial Requested.
C.A. 03-313.Erie

To The Chief Justice and Justices of Said Court:
Statement of Case.

This is a 42 U.S.C. Sections 1981, 1983, 1985, 1986 and 1988, and 18 U.S.C. Section 2, 88, 241, 242 and 371 case being Filed by a state prisoner against state prison officials for violating; continue to violates Plaintiff's 1st, 4th, 5th, 8th, 13 and 14th Amendments to the United States Constitution rights by conspiring to obstruct the due Administration of justice in state and Federal Courts; obstruct and is obstructing the due Administration of justice in state and Federal; denying and did denied Plaintiff access to the courts; retaliating Against Plaintiff for seeking redress in the courts by holding Plaintiff in the RHU with any justification; terrorizing Plaintiff continuously from 10/29/03 to the present; destroying, tampering and holding Plaintiff's incoming and outgoing mails; stealing Plaintiff's property and then claimed that these property was sent and using terrorism to force Plaintiff to withdraw Case Accounts 03-313 and 03-105 Erie ect.ect ect.

In The
United States District Court.
Western District Pennsylvania.
Erie Pennsylvania 16501.

DERRICK RANKINE

Vs.

Superintendent Sobina et. al

Jury Trial Demanded.
CA. 0313 Erie.

To The Chief Justice and Justices of Said Court;

Motion For leave to File An Amended Complaint; Add the following Defendants; the following injuries and Requested Reliefs. All defendants ARE Sued individual and officially; All at SCT-Somerset:

- 1) Defendants: REGEster (Lt). Relief requested permanent separation order; Fined \$50,000.
- 2) Defendant T. J. Wilson (Lt); Relief requested permanent separation; Fined add \$50,000 to original.
- 3) Defendant Boylan (Lt). Fined \$50,000; permanent separation. Miller Fined \$20,000
- 4) Defendant Munion (C/O); Fined \$120,000 add to original permanent separation.
- 5) Defendant Chapley (C/O) original Fine; permanent separation.
- 6) Defendant Pritts: C/O; original Fine; permanent separation.

- 2) Defendant Coughenour C/O Fined \$20,000; permanent separation.
- 8) Defendant Evans: C/O: Fined \$20,000; permanent separation.
- 9) Defendant Bertolino (Lt.) ^{\$175,000} ~~\$175,000~~ Fined permanent separation.
- 10) Defendant Haywood Fined \$50,000.
- 11) Defendant Hainworth (Sgt) \$50,000; permanent separation.
- 12) Defendant Neisser (C/O) Fined \$20,000; permanent separation.
- 13) Defendant McCool (Sgt) Fined \$50,000; permanent separation.
- 14) Defendant Fey (C/O) Fined \$50,000 add to original permanent separation (VERY VERY permanent separation)
- 15) Defendant Lucas, C/O Fined ~~\$20,000~~ \$50,000
- 16) Defendant Labosky (C/O) Fined ~~\$50,000~~ ^{\$50,000?} = \$50,000
- 17) Defendant Mulligan; Unit Manager. Fined \$75,000, (VERY, VERY, VERY permanent separation).
- 18) Defendant Beard (Secretary). Fined \$10,000?
- 19) Defendant Thomas James; Fined \$10,000?
- 20) Defendant Robert Bitner; Fined \$75,000.
- 21) Defendant Stayer; Sgt. permanent separation. Fine \$50,000.
- 22) Defendant Rosum (Deputy Superintendent) Fined \$75,000.

3) Defendant John McCullough (Deputy Secretary) Fined \$75000.00.

24) Defendant Larry Ament (CCPM) Fined \$20,000.

25) Defendant Sabina: Fined \$150,000 Add to original.

26) Defendant Cross Fined \$18.50 Add to original.

27) Defendant Gauntner \$10,000 Fine.

28) Defendant ~~But~~ Roman: Fined \$10,000. = \$50,000

29) Defendant Bringer: Fined \$10,000.

30) Defendant Joseph: Fined \$75000.

Complaint.

Since Filing of the original complaint the following retaliatory acts have been perpetrated against Plaintiff by the above named defendants.

1) On 10/09/03; Plaintiff was released from the RHU to general population.

2) On 10/12/03; while Plaintiff was on the walkway from church to D-pod; Plaintiff was forced to step off the walkway to avoid ~~a~~ a collision with C/O White. Plaintiff waited until all staff members passed and said (good evening). C/O White turned back and came up into Plaintiff's face and said "Mr. Rankin I am advising you not to say any^{thing} more to me; since I am not the enemy you are" and I will not say anything more to you, unless I have to." Plaintiff went to D-pod and immediately filed a grievance and sent a letter to the office of Professional Responsibility.

4. This stem from the fact that C/O White, left Plaintiff pod with two grievances that Plaintiff Filed while Plaintiff was in the RHU; read Plaintiff's grievances; called Plaintiff a "Faggot and a child molester"; while Plaintiff was in the RHU and Plaintiff called C/O White a black "Ninga turtle" a "black predator" and a black terminator in retaliation. SEE Plaintiff's Exhibits, N-1 and N-2.

On 10/12/03, Sgt. Gainsworth in corroboration with Lt. REGER removed this grievance from the grievance box and gave this grievance to C/O White; thus obstructing the due Administration of justice; in violation of the 1st, 5th, 8th and 14th Amendments to the United States Constitution. In retaliation Lt. REGER humiliated, embarrassed and degraded Plaintiff on 10/13/03 in the presence of all the inmates on pod P/A.

3) During the period 8/26/03 Pt. to 10/9/03 Plaintiff was denied Library Books by C/O Munion, C/O Pratt and C/O Chapley; which caused Plaintiff SEVERE mental duress.

4) On 10/14/03, C/O Coughenour and C/O Evans planted a torned towel in Plaintiff's cell and stole 78 books and 30 magazines; 3 Library books; 10 (40) ENVELOPES, A tube of Colgate toothpaste (\$2.02) A razor and a Spee stick deodorant from Plaintiff's cell on orders from defendants Moligan, Sobina and Rozum; in retaliation 5) For Filing this Complaint in violation of the 1st, 4th, 5th

5)

6th, 8th, 13th and 14th Amendments to the United States Constitution. SEE Plaintiff's Exhibits N.3, and N.32 and 69569, 1

6) On 10/14/03, Plaintiff was searched six times by staff on the 2 p.m. to 10 p.m. shift on Plaintiff's way to the dining hall; on orders from defendants Sabina Molligan; and the members of the PRC. SEE Plaintiff Exhibit Z.30, Z.31 and Z.32 and Y.40, Y.41 and Y.42.

7) On 10/15/03 Plaintiff was searched four times to and from the dining hall and to and from the yard on orders from defendants Sabina and Molligan in retaliation for filing this action in violation of the 1st Amendment to the United States Constitution.

8) On 10/16/03, Plaintiff's cell was searched and Plaintiff was searched four times to and from the yard and dining hall on orders from defendants Sabina, Molligan and Rozum; in retaliation for filing this action; in violation of the 1st Amendment to the United States Constitution.

9) On 10/17/03, Plaintiff was searched twice to and from pill line; three times to and from the dining hall, three times to and from the yard on orders from defendant Molligan, Sabina and Rozum; in retaliation for filing this action in violation of the 1st, 5th, 8th and 14th Amendments to the United States Constitution.

10) On 10/18/03 Plaintiff was searched by Sgt. Brathe and Lt. Wadworth to and from the yard. Plaintiff's cell was searched and Plaintiff was searched four times to

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and From the dinning hall by C/O Dayton C/O NEISSER Sgt. BAKOS and Lt. REGEster; At which time Plaintiff ^{pen} WAS grabbed and Plaintiff bottoms WERE fondled by Sgt. BAKOS; C/O Dayton and C/O NEISSER; Plaintiff was also told that this harrassment would continue until Plaintiff withdraw Plaintiff's law suit against SCI-Albion's staff and SCI-Somerset's staff or Plaintiff will be "Killed" by Sgt. BAKOS, C/O Dayton and C/O NEISSER. When Plaintiff attempted to reported these threats to Lt. REGEster Plaintiff was told "I will get back to you" by Lt. REGEster; on orders From defendants Sabina, Mollie and Rozum.

(10) On 10/19/03, 10/20/03, 10/21/03, 10/22/03, 10/23/03, 10/24/03, 10/25/03; 10/26/03, 10/27/03, 10/28/03 and 10/29/03; Plaintiff WAS SEARCHED by C/O Miller, Coughour, Huber; Lt. Boylan; T. J. Wilson; Lt. REGEster; Sgt. Putam; on orders From defendants Sabina, Molligan and Rozum; in retaliation For Filing this Action; in violation of the 1st, 5th, 8th and 14th Amendments to the United States Constitution.

(12) On 10/28/03, Plaintiff WAS Forced to throw away A piece of grape Fruit by Lt. Bertolino and C/O Miller and C/O Folge. Plaintiff WAS then given grape Fruits by other inmates that Lt. Bertolino and C/O Miller allow to leave the dinning hall with these grape Fruits by Lt. Bertolino and C/O Miller again Plaintiff WAS told to

D

Throw AWAY THESE grapeFruits by C/O Folge; on orders From DEFendants Moligan, Sobina and Rosum; in retaliation For Filing this action.

13) All the ABOVE SEARCHES terrorized, embarrassed, humiliated, degraded and demeaned Plaintiff to the point where Plaintiff started having Nightmares, insomnia; stopped going to the yard, pill line, dinning hall and associating with other inmates. Plaintiff also stopped attending mass bible study and the library. Also Fellow inmates and staff stopped speaking and associating with Plaintiff out of FEAR For their lives.

14) In an EFFort to get the ABOVE harrassments to Stopped; the ABOVE terrorism and mental, physical and SEXUAL harrassments and cruelty to stopped Plaintiff Filed Numerous grievances to the grievance co-ordinator; Appealed to defendant Sobina; then to the Chief Grievance Officer, then to the OFFice of Profession Responsibility and Secretary Beard. SEE Plaintiff's Exhibits Z₀ and Z_{31,23}.

15) On 10/16/03, Plaintiff was given a misconduct; claiming Plaintiff tore two state towels. On 10/22/03 Plaintiff was given an hearing by defendants Cross and Found guilty and Fined \$8.30⁰⁰ in violation of DC-ADP 801 Inmate handbook page 52. Plaintiff Appealed to the PRC; defendants Sobina and then to the Chief Hearing Examiner. This, guilty verdict was sustaine

8).

zn violation of the 1st, 4th, 5th, 8th, 13th and 14th Amendments to the United States Constitution. SEE Plaintiff's Exhibits Y-1, Y-2 and Y-3.

16 On 10/29/03 (October 29, 03), Plaintiff was taken to the RHU on a charge of "being a possible to others here at SCI-Somerset" zn retaliation for filing the original complaint zn this matter; by Lt. Boylan and Sgt. McCool; zn violations of the 1st, 4th, 5th, 6th, 8th, 13th and 14th Amendments to the United States Constitution on orders from defendants Sobina, Molligan and Rozum. SEE Plaintiff's Exhibits Y-40, A-12, A-13, A-14, A-1, A-11; M- and M-9.

17 On 10/29/03; defendants Boylan and McCool threatened to "Killed" or have Plaintiff killed; if Plaintiff do not redraws Plaintiff's complaints and lawsuits against all of SCI-Somerset's staff and SCI-Albion staff on order from defendants Sobina, Molligan and Rozum; SEE Plaintiff's Exhibits M-7 and M-9, A-1, A-11, A-12, A-13 and A-14^{and A-17}; zn violation of the 1st, 4th, 5th, 8th, 13th and 14th Amendments to the United States Constitution.

18 Upon reaching the RHU Plaintiff was stripped and searched by defendant Bertolino; then Plaintiff was placed in cell B-13; without proper lights; and defendants Sobina, Molligan, Rozum; and Gehlman went defendants Fey, Munion; Coughenour, Pritts and Chapley and Stayer everyday by kicking Plaintiff's cell door; threatening Plaintiff

9).

threatening to poison Plaintiff; if Plaintiff is not "nic destroyed Plaintiff's incoming and outgoing mails; and placing bags with "A white sticky stuff in Plaintiff's meals (appearance of semen or cyano) or clotted milk. Plaintiff was told by one of the inmate workers that this white sticky substance was semen. SEE Plaintiff's Exhibits F-9, F-2, F-7, F-6, F-5, F-3, F-2; A-15, A-16, A-13; II Violation of the 1st, 4th, 5th, 6th, 8th, 13th and 14th Amendments to the United States Constitution.

19) On 10/29/03, approximately 7pm, Plaintiff was taken to the property room by defendants Lucas and Coughenour and Delosh. Missing from Plaintiff's property are 1 Irish Spring Soap; 1 Colgate Toothpaste, 1 Speed Stick deodorant with 4 (40¢) envelopes, plus all the legal work that Plaintiff copied on 10/24/03 per Judge Baxter's order of 9/11/03. Defendants Coughenour and Lucas malicious then stole two bottles of Plaintiff's lotion and one large bottle of Plaintiff's shampoo, claiming they were altered because Plaintiff mixed them with water, other shampoo and lotions to dampen their smells. Plaintiff filed a grievance and appealed to defendants Sobina, Beard and James; who all agreed with this theft; in violation of the 1st, 4th, 5th, 8th, 13th and 14th Amendments of the United States Constitution.

20) On 11/20/03 Plaintiff was threatened by defendant Molligan and told by defendant Molligan that "they made

10.

mistake giving Plaintiff a Z code; and that is why Plaintiff is in the RHU, thus terrorizing Plaintiff in violation of the 1st, 4th, 5th, 8th and 14th Amendments to the United States Constitution.

20 On 11/17/03 Plaintiff was given a cup of coffee with a bag with a white sticky substance in it; on 12/26/03, 12/29/03, 12/31/03 Plaintiff was told by defendants Chapley and Stayer not to eat or drink Plaintiff's lunch or dinner; Plaintiff immediately flushed these meals down the toilet. Since 10/29/03 to present Plaintiff have received library books once; and law cases once from the law library; yet every week Plaintiff sent for 3 library books and 12 law cases. SEE Plaintiff Exhibits N.4, N.5, N.6, N.7, N.8 y. All in violation of the 1st, 4th, 5th, 8th, 13th and 14th Amendments to the United States Constitution. N.9, N.10, N.11, N.12, N.13, N.14, N.15 to N.22. On 12/08/03 Plaintiff gave C/O Labosky a letter to be mailed to Judge Baxter for the appointment of counsel in this action; two days later Plaintiff was given a different ~~registered~~ ~~re-registered~~ letter receipt after Plaintiff filed a grievance. SEE Plaintiff Exhibits N.19 and N.20. On 11/02/03 Plaintiff gave all the summons for this action to be mailed to the United States Marshall; Plaintiff have received no response from the Marshall as yet. Defendants Fey, Lucas, Stayer and Coughenour have all told Plaintiff that they have received their summons in December. Defendants Fey, Lucas, Coughenour and Stayer have been